

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)
Petitioner,)
v.) CERTIFICATION OF A
ANTWONE MITCHELL,) SEXUALLY DANGEROUS PERSON
Register Number 96945-011,)
Respondent.)

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a).

Respectfully submitted, this 13th day of June, 2007.

George E. B. Holding
United States Attorney

BY: /s/ Michael E. Lockridge
Michael E. Lockridge
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Civil Division
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N.C. Bar # 28644

CERTIFICATE OF SERVICE

This is to certify that I have this 13th day of June, 2007, served a copy of the foregoing upon the Respondent in this action by placing the documents in an envelope marked as stated below, and providing it to FCC Butner staff to deliver the envelope in hand to:

Antwone Mitchell
Reg. No.: 96945-011
FCI Butner

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Office of the Federal Public Defender
150 Fayetteville Street Mall
Suite 450
Raleigh, North Carolina 27601

/s/ Michael E. Lockridge
Michael E. Lockridge
Special Assistant U.S. Attorney
Civil Division

CERTIFICATION OF A SEXUALLY DANGEROUS PERSON

(1) I, William T. Bickart, am Acting Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248(a).

(2) Bureau records reflect the following: Inmate Antwone Mitchell, Register Number 96945-011, is in Bureau custody at the Federal Correctional Institution, Butner, North Carolina, in service of a 70-month term of imprisonment and 5 years of supervision for Possession with Intent to Distribute Cocaine Base in violation of 21 U.S.C. § 841(a)(1) & (b)(1)(B) (N.D. Cal.) (CR-02-0125 PJH). His projected release date is June 13, 2007.

(3) Based on a review of his Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by 18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:

(a) He previously engaged or attempted to engage in sexually violent conduct or child molestation as evidenced by his prior convictions for: Unlawful Sexual Intercourse with a Minor in Criminal Case No. 165093 (1996), San

Francisco County Superior Court, San Francisco, California, in an incident that involved his having sexual intercourse with an 11-year-old girl; Sodomy on a Child Under 14 by Force and Lewd and Lascivious Conduct on a Child Under 14 in Criminal Case No. 110-708 (1986), San Francisco County Superior Court, Juvenile Division, San Francisco, California, in an incident that involved his committing sodomy on [REDACTED] nine-year-old female [REDACTED]; and Sexual Battery in Criminal Case No. 110-708 (1985), San Francisco County Superior Court, Juvenile Division, San Francisco, California, in incident that again involved his committing sodomy on [REDACTED] nine-year-old female [REDACTED];

(b) A limited psychological review indicated an Axis I diagnosis of Paraphilia, Not Otherwise Specified (Nonconsent) and Axis II diagnosis of Antisocial Personality Disorder; and

(c) An initial assessment of him using two actuarial risk assessment instruments (Static-99 and Rapid Risk Assessment for Sexual Offense Recidivism (RRASOR)) was conducted. These results in addition to poor general self-regulation, lifestyle instability, a history of failing to meet the stipulations of conditional release, and the early onset of sexual offending, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.



William T. Bickart
Acting Chairperson
Certification Review Panel
Federal Bureau of Prisons

6/13/07

Date

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)
)
Petitioner,)
)
v.) ORDER
)
ANTWONE MITCHELL,)
Register Number 96945-011,)
)
Respondent.)

At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5).

Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the Respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the appropriate fees and expenses to witnesses so subpoenaed.

Pursuant to 18 U.S.C. section 4247(b), the Court ORDERS the government to conduct a psychiatric or psychological examination of Respondent. Pursuant to this section, if the Respondent wishes to request an additional examiner, he shall request such by separate motion to this court.

The Court hereby notifies the parties that this case has been set for Hearing by videoconference at _____ AM/PM on _____ 2007. The hearing shall be held in Courtroom #2, Seventh Floor, of the Terry Sanford Federal Building, 310 New Bern Avenue, Raleigh, North Carolina.

This ____ day of _____, 2007.

W. EARL BRITT
Senior U.S. District Judge